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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7,9,11-15 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *20 and 21* is/are allowed.

6)☒ Claim(s) *1-3,7,9,11-15 and 18-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 04/12/2007 have been fully considered but they are

not persuasive.

2.   Regarding claim 1,12-15, Applicant states that the reference of Nishii does not

suggest removing blank pages from main print job image input data (Applicant's

remarks pages 6-7 and 10-12). Examiner disagrees with Applicant. Applicant states

that the trial printing mode and normal print mode are not same and that blank pages

are not removed in the normal print mode (remarks pages 6-7 and 10-12). Nishii states

in the abstract that "a trial print mode in which the input image data are processed into

minified images on fewer pages of the paper for trial output such that a user can check

an output result to be obtained in the normal mode beforehand" and "an image

corresponding to the blank page detected by the blank page detector is not formed"

(abstract, lines 3-7 and 15-17). This means that the trail mode is used to detect and

erase or does not form the blank pages before the input data is printed using the normal

print mode. Applicant states that Nishii does not disclose that blank pages removed

from trial print mode data are removed from normal print mode, the abstract of Nishii

clearly states, " a trial print mode in which the input image data are processed into

minified images on fewer pages of the paper for trial output such that a user can check

an output result to be obtained in the normal mode beforehand". If the blank page is

detected before normal print mode in the trial mode, then that means to the Examiner

that the blank page will not be formed in the normal print mode.

3.   Regarding claim 3, Applicant states that Nishii does not suggest requesting

permission from a user to remove an identified page (remarks pages 7). Examiner does

not agree with Applicant. Applicant states a printer not operating until a command is

given does not disclose or suggest a system requesting permission to perform an

operation (remarks page 8). The printer (2) provides a control panel (3) in which

various modes can be selected (column 5,lines 1-10). If no key on the control panel (3)

is activated, then no operation will be performed. Thus a request to perform an

operation is provided by choosing a mode of operation, based on the various modes on

the control panel (3).

4.   Regarding claims 2,9,11 and 19, Applicant states that the reference of Toru does

not suggest notifying an operator that an unwanted portion has been located, but

instead notifies the operator of some problem with the input image data (remarks page

8 and 12-13). Examiner disagrees with Applicant. Again, Examiner directs Applicant to

the teaching of Toru that notifies a user of an invalid manuscript being a blank paper

(page 3, paragraph 0028). Since Toru notifies a user of a blank page burden has been

met by the office for prima facie obviousness. Applicant states that the reference of

Motoyama does not disclose using pattern recognition techniques to search for

matching characteristics (remarks page 13-14). Examiner disagrees with Applicant.

Applicant states that Motoyama does not search for any other arbitrary description

(remarks page 13). The black dot comparator (142) that compares the dots in the

image data signal (126) (column 6,lines 43-64). Motoyama also detects non-blank

pages (column 7,lines 14-30). This reads on other arbitrary description, which Applicant

states Motoyama fails to suggest. Motoyama compares dots in an image, which, in

essence, is a pattern. Contrary to remarks made by Examiner on March 17, 2006, the

fact that Motoyama compares dots of an image, which is a pattern, this can be

considered a pattern recognition technique.

5.   In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971).

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1,3,6,7,12-15 and 17-19 rejected under 35 U.S.C. 102(e) as being

anticipated by Nishii US 6501556.

1.   Regarding claim 1, Nishii teaches of a blank page output mode (5) which detects

a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that

interprets the input data to be printed and sends it to the blank page detector (10)

(column 5, lines 14-20), which reads on a method operative to automatically exclude an

unwanted page in an input stream of a main print job from an output stream of the main

print job by establishing a characteristic of a page indicative of an unwanted page and

monitoring the input stream to detect data representative of the characteristic.   Nishii

teaches of a blank page detector (10) that detects blank pages and erases the blank

page (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5),

this reads on identifying one or more pages of the printing system job that contain data

representative of the characteristic and removing the identified pages, thereby excluding

them from the main print job output stream.

2.   Regarding claim 3, Nishii teaches that the printer (2) receives commands from a

user, in which case, a user can input the type of page to be removed (column 5,lines 1-

5), which reads on requesting permission from a user to remove the identified pages.

3.   Regarding claim 7, Nishii teaches of a blank page output mode (5) (column

6,lines 1-5), which reads on describing characteristics of a non-blank separator sheet.

4.   Regarding claim 12, Nishii teaches of a blank page output mode (5) which

detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section

(9) that interprets the input data to be printed and sends it to the blank page detector

(10) (column 5, lines 14-20), which reads on a method operative to automatically

exclude an unwanted portions of a main job from a main job output stream of a printing

system by describing characteristics of the unwanted portions of the job and searching

within input image data for portions of the job that have the described characteristic.

Nishii teaches of a blank page detector (10) that detects blank pages and erases the

blank page and prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7,

lines 1-4 and figure 5), this reads on locating a portion of the main job input image data

that has the described characteristics and deleting the located portion from the main job

input data to generate output data and delivering the output data to the main job output

stream.

1.   Regarding claim 13, Nishii teaches of interpreting section (9). The interpreting

section (9) receives input data and interprets the input data as a blank page or graphic ,

data (figures 2 and 5 and column 6,lines 55-67 to column 7,lines 1-25). He also

teaches that once the blank page is detected, the interpreting section (9) deletes the

blank page (column 6, lines 55-67, column 7, lines 1-5, figure 5). This reads on a

printing system operative to automatically remove unwanted portions of main job input

image data, the printing system comprising: a pattern detector operative to receive an

arbitrary description of an unwanted portion of the main job input image data, search for

a portion of the main print job input image data that corresponds to the unwanted

portion description, and relate information about a found portion that corresponds to the

description; and a portion deleter operative to receive information from the pattern

detector regarding a location of the at least one unwanted portion of the main job input

image data and to remove the at least one unwanted portion of the main job input image

data to generate main print job output image data.

5.   Regarding claim 14, Nishii teaches that the output image data is sent to a page

buffer (17) and is then sent to the printing section (18) for printing (column 5,lines 54-55

and figure 2), which reads on an image destination operative to receive the main print

job output image data and at least one of, transmit the main print job output image data

to another device and generate hard copy corresponding to the main print job output

image data.

6.   Regarding claim 15, Nishii teaches of a blank page output mode key (5) for

detecting a blank page (column 5,lines 3-6), which reads on a default settings repository

operative to store and make available to the pattern detector at least one of, a default

unwanted portion description and processing procedure information.

7.   Regarding claim 18, Nishii teaches any image forming apparatus can be used

(column 4,lines 44-51), which reads on the image destination comprises a xerographic

printer.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nishii US 6501556 in view of Nakajima Toru JP 07-307827.

10.   Regarding claim 2, Nishii teaches of a blank page detector (10) that detects

blank pages and erases the blank page (column 2, lines 24-28,column 6, lines 66-67,

column 7, lines 1-4 and figure 5), which reads on a method operative to automatically

exclude a blank page in an input stream of a printing system job from an output stream

of the printing system job, the method comprising the steps of detecting data

representative of a blank page in the input stream and deleting the data representative

of the blank page from the input stream, thereby excluding the blank page from the

output stream.

11.   Nishii fails to teach of notifying an operator of detected data representative of the

characteristic.

12.   Nakajima Toru teaches of an advice means that notifies the user of a blank paper

(paragraph 0011), which reads on notifying an operator of detected data representative

of the characteristic.

13.   Nishii could have easily been modified with the advice means of Nakajima Toru.

This modification would have been obvious to one skilled in the art at the time of the

invention to notify the user of the characteristic when it is detected.

14.   Regarding claim 11, Nishii teaches of a blank page output mode (5) which

detects a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section

(9) that interprets the input data to be printed and sends it to the blank page detector

(10) (column 5, lines 14-20), which reads on a method operative to automatically

exclude an unwanted portions of a job from an output stream of a printing system by

describing characteristics of the unwanted portions of the job and searching within input

image data for portions of the job that have the described characteristic. Nishii teaches

of a blank page detector (10) that detects blank pages and erases the blank page and

prints the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and

figure 5), this reads on locating a portion of the input image data that has the described

characteristics. Nishii teaches that the printer (2) receives commands from a user, in

which case, a user can input the type of page to be removed (column 5,lines 1-5), which

reads on accepting one of an authorization and a prohibition form the operator to

remove the unwanted portion.

15.   Nishii fails to teach of notifying an operator that an unwanted portion has been

located.

16.   Nakajima Toru teaches of an advice means that notifies the user of a blank paper

(paragraph 0011), which reads on notifying an operator that an unwanted portion has

been located.

17.   Nishii could have easily been modified with the advice means of Nakajima Toru.

This modification would have been obvious to one skilled in the art at the time of the

invention to notify the user of the characteristic when it is detected.

18.   Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nishii US 6501556 in view of Motoyama US 5550614.

19.   Regarding claim 9, Nishii teaches of a blank page output mode (5) which detects

a blank page (column 5,lines 1-5) and Nishii teaches of an interpreting section (9) that

interprets the input data to be printed and sends it to the blank page detector (10)

(column 5, lines 14-20), which reads on a method operative to automatically exclude an

unwanted portions of a job from an output stream of a printing system by describing

characteristics of the unwanted portions of the job and searching within input image

data for portions of the job that have the described characteristic. Nishii teaches of a

blank page detector (10) that detects blank pages and erases the blank page and prints

the job (column 2, lines 24-28, column 6, lines 66-67, column 7, lines 1-4 and figure 5), this reads on locating a portion of the input image data that has the described characteristics and deleting the located portion from the input data to generate output data and delivering the output data to the output stream.

20.   Nishii fails to teach of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

21.   Motoyama teaches of scanning a page to generate digital page data and comparing the digital page data to a black spot threshold (column 2, lines 38-40), which reads on the step of searching within input image data comprises using pattern recognition techniques to search for matching characteristics.

Nishii could have easily been modified to scan a page and compare a digital page data to a black spot threshold of Motoyama. This modification would have been obvious to one skilled in the art at the time of the invention to determine if a page contains unwanted pages or portions.

22.   Regarding claim 19, Motoyama teaches of a fax/telephone processor (column 4, lines 33-40), which reads on the image destination comprises a facsimile modem.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (571) 272-7460 and fax number is (571) 273-7460. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached at (571) 272-7404.

KIMBERLY WILLIAMS
PRIMARY PATENT EXAMINER

Michael Burleson
Patent Examiner
Art Unit 2626

Mlb
November 26, 2007